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15 ABBOTT DIABETES CARE INC.
and ABBOTT LABORATORIES

20 THERASENSE, INC., and ABBOTT
LABORATORIES,

21 Plaintiffs,

22 vs.

23 BECTON, DICKINSON AND CO.,

24 Defendant.

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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

20 CASE NO. C04-2123 MJJ
CASE NO. C04-3327 MJJ
CASE NO. C04-3732 MJJ

21 **[PROPOSED] ORDER ON STIPULATION**
REGARDING DISCOVERY

1 **[PROPOSED] ORDER ON**
2 **STIPULATION REGARDING DISCOVERY**

3 The Court hereby ORDERS that discovery in *TheraSense, Inc. and Abbott*
4 *Laboratories v. Becton, Dickinson and Company, et al.*, Case Nos. C04-2123, C04-3732, and
5 C04-3327, (the “BD/Nova cases”), and *Abbott Diabetes Care Inc. and Abbott Laboratories v.*
6 *Roche Diagnostics Corporation and Bayer Healthcare LLC*, Case No. C05-3117, (the
7 “Roche/Bayer case”), shall proceed as follows:

8 (1) All depositions taken in either the BD/Nova cases or the Roche/Bayer case
9 will constitute a deposition in the other case or cases; and

10 (2) This order will not reduce the number of depositions that each side has
11 been allocated pursuant to the July 14, 2005 Joint Case Management Statement and Order in the
12 BD/Nova cases and the May 8, 2007, Case Management Order in the Roche/Bayer case.
13 Accordingly, if one party requests a deposition in its case, the deposition will be considered as
14 having been noticed and taken in all other cases, but the deposition will not count against the
15 allotted number of depositions to be taken by the non-noticing sides. However, if the deposition
16 of a witness cannot be completed in one day and one party requests the deposition of a witness
17 for one day and a second party requests a second consecutive day of deposition for the same
18 witness, and the witness is produced for a second day, then the deposition will count against both
19 requesting parties’ (and their respective sides’) allotted number of depositions; and

20 (3) For purposes of this stipulation, Plaintiffs Abbott Diabetes Care Inc. and
21 Abbott Laboratories represent a side in the BD/Nova cases, and Defendants Becton, Dickinson
22 and Company and Nova Biomedical Corp. represent a side in the BD/Nova cases. For purposes
23 of this stipulation, Plaintiffs Abbott Diabetes Care Inc. and Abbott Laboratories represent a side
24 in the Roche/Bayer case, and Defendants Roche Diagnostics Care, Roche Diagnostics

1 Operations, Inc., and Bayer Healthcare LLC represent a side in the Roche/Bayer case.
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3 Dated: 6/20/2007

4 By: 
5 Honorable Martin J. Jenkins
6 UNITED STATES DISTRICT JUDGE
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